

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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CLYDE R. WILLIAMS,

Plaintiff,

v.

CAROLYN W. COLVIN, ACTING
COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Case No. 2:15-cv-00397-MMD-NJK

ORDER ACCEPTING AND ADOPTING
REPORT AND RECOMMENDATION OF
MAGISTRATE JUDGE
NANCY J. KOPPE

Before the Court is Magistrate Judge Nancy J. Koppe's Report and Recommendation ("R&R") (ECF No. 25), regarding Plaintiff's Motion for Reversal and/or Remand ("Motion") (ECF No. 17) and the Commissioner's Cross-Motion to Affirm (ECF No. 19). The Court allowed Plaintiff to file any objections by April 15, 2016 (ECF No. 26). To date, no objections have been filed.

This Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge's report and recommendation, then the court is required to "make a *de novo* determination of those portions of the [report and recommendation] to which objection is made." 28 U.S.C. § 636(b)(1). Where a party fails to object, however, the court is not required to conduct "any review at all . . . of any issue that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge's report and recommendation where no objections have been filed. See

1 *United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard
2 of review employed by the district court when reviewing a report and recommendation to
3 which no objections were made); *see also Schmidt v. Johnstone*, 263 F. Supp. 2d 1219,
4 1226 (D. Ariz. 2003) (reading the Ninth Circuit's decision in *Reyna-Tapia* as adopting the
5 view that district courts are not required to review "any issue that is not the subject of an
6 objection"). Thus, if there is no objection to a magistrate judge's recommendation, then
7 the court may accept the recommendation without review. *See, e.g., Johnstone*, 263 F.
8 Supp. 2d at 1226 (accepting, without review, a magistrate judge's recommendation to
9 which no objection was filed).

10 Nevertheless, this Court finds it appropriate to engage in a *de novo* review in
11 order to determine whether to adopt the R&R. The R&R finds that the ALJ's decision to
12 uphold the denial of Plaintiff's disability claims was supported by substantial evidence on
13 the record. The R&R thus recommends that the Court deny Plaintiff's Motion for
14 Reversal or Remand (ECF No. 17) and grant Defendant's Cross Motion to Affirm (ECF
15 No. 19). Upon review of the R&R and the records in this case, the Court agrees with the
16 R&R and will adopt it in full.


17 It is hereby ordered that the Magistrate Judge's Report and Recommendation
18 (ECF No. 25) is accepted and adopted.

19 It is further ordered that Plaintiff's Motion for Reversal or Remand (ECF No. 17) is
20 denied.

21 It is further ordered that Defendant's Cross-Motion to Affirm (ECF No. 19) is
22 granted.

23 The Clerk is directed to close this case.

24 DATED THIS 20th day of May 2016.

25
26 
27 MIRANDA M. DU
28 UNITED STATES DISTRICT JUDGE